

1 THE HONORABLE BRIAN A. TSUCHIDA
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHRISTOPHER J. HADNAGY, an
11 individual; and SOCIAL-ENGINEER, LLC, a
12 Pennsylvania limited liability company,

13 Plaintiffs,
14
15 v.
16 JEFF MOSS, an individual; DEF CON
17 COMMUNICATIONS, INC., a Washington
corporation; and DOES 1-10; and ROE
ENTITIES 1-10, inclusive,

18 Defendants.

19 NO. 2:23-cv-01932-BAT

20 PLAINTIFFS' MOTION FOR CIVIL
CONTEMPT AND SANCTIONS

21 Noted for Consideration: March 24, 2025

22 ORAL ARGUMENT REQUESTED

23 I. INTRODUCTION

24 Defendants Jeff Moss and Def Con Communications deliberately violated this Court's
Protective Order by publicly filing Plaintiff Hadnagy's confidential medical and proprietary
business information, despite being clearly marked "CONFIDENTIAL." Their misconduct did
not stop there—Def Con launched a calculated media campaign, disseminating their Motion for
Summary Judgment along with the confidential information contained in their exhibits across
their website and social media platforms, including Twitter, Reddit, LinkedIn, and DefCon.org,
encouraging mass public review and download. Def Con's Twitter post alone has amassed over

1 57,000 views to date.¹

2 As a result of Defendants' egregious conduct, Plaintiff Hadnagy's private medical and
 3 financial information remains widely accessible online, causing significant and irreparable harm.
 4 Plaintiff Hadnagy has already received threats that directly reference his medical and financial
 5 information. Hadnagy Declaration, Exhibit A ("Hadnagy Decl."). Defendants' actions were
 6 intentional, reckless, and in direct defiance of the Court's authority. Sanctions are not only
 7 warranted but essential to deter further misconduct and to remediate the damage inflicted.

8 Accordingly, Plaintiffs respectfully move this Court for an order finding Defendants in
 9 civil contempt, imposing sanctions under Rule 37(b) and the Court's inherent authority, and
 10 awarding Plaintiffs the following relief:

- 11 1. Compensatory damages in the amount of \$100,000.00 for the harm caused by the
 12 unauthorized disclosure and wide dissemination of confidential information.
- 13 2. Sanctions in the amount of \$50,000.00 to deter future violations of this Court's orders.
- 14 3. Attorney's fees and costs incurred in bringing this motion.
- 15 4. An order directing Defendants to take immediate steps to remove all postings and links to
 16 the disclosed information and to issue corrective statements retracting their
 17 dissemination.
- 18 5. Certify under penalty of perjury compliance with this Order within 5 days.

19 **II. STATEMENT OF FACTS**

20 Plaintiff Social Engineer is a security company that assists clients in identifying
 21 vulnerabilities and mitigating risks. Given the nature of its work, Social Engineer strictly
 22

23 ¹ <https://x.com/defcon/status/1894072986384437468>

1 safeguards its client information, executing Non-Disclosure Agreements to prevent unauthorized
 2 disclosure. *See Hadnagy Decl.* Unauthorized exposure of Social Engineer's clients poses severe
 3 security risks and makes them vulnerable to malicious actors. *Id.*

4 On June 7, 2024, this Court entered a Protective Order expressly designating certain
 5 categories of information as confidential, including but not limited to:

- 6 • Plaintiffs' financial records, lost business opportunities, and revenue expectations.
- 7 • Plaintiffs' internal communications regarding client names and security-related
 matters.
- 8 • Plaintiff Christopher Hadnagy's medical records and information.

9 Dkt. 47.

10 The Protective Order explicitly outlines procedures for handling confidential materials,
 11 including a requirement that any party seeking to file such information must *first* confer with the
 12 designating party per LCR 5(g)(3)(A). If no agreement is reached regarding the handling of the
 13 information, such as redacting, the filing party must then preliminarily file the information under
 14 seal and set forth the designated party's justification for sealing. LCR 5(g).

15 On February 21, 2025, Defendants filed a Motion for Summary Judgment (Dkt. 79) and a
 16 Declaration of Matt Mertens (Dkt. 81) with supporting exhibits (Dkt. 81-1). Declaration of Mark
 17 Conrad ("Conrad Decl."). Defendants never sought to confer with Plaintiffs regarding the
 18 confidential nature of the information contained in their filing. *Id.* Dkt. 81-1 contained Plaintiff's
 19 confidential information that was explicitly designated as "CONFIDENTIAL and subject to the
 20 parties' protective order."² This information included:

- 21 • Plaintiff Hadnagy's private medical and mental health history, including doctors'
 names, treatment dates, symptoms, and prescriptions.
- 22 • Social Engineer's client names and contract amounts.
- 23 • Plaintiff Hadnagy's personal salary and earnings.

24 ² Plaintiffs are avoiding direct reference to the exhibit as it still remains publicly available online.

This information is clearly entitled to protection and, even more alarmingly, none of it was relevant to Defendants' Motion for Summary Judgment, yet they deliberately included it, in direct violation of the Protective Order.

Following the filing, Defendants publicly posted their Motion and exhibits across multiple platforms, including X (formerly Twitter), Reddit, LinkedIn, and DefCon.org.³ See Conrad Decl. Defendant Def Con also promoted the documents, encouraging mass review and distribution, stating:

* *

* *

³ <https://x.com/defcon/status/1894072986384437468>
https://www.reddit.com/r/hacking/comments/1ix91k9/def_con_vs_hadnagy_legal_update/
<https://forum.defcon.org/node/252131>
<https://defcon.social/@deviantollam/114050512818605485>
https://www.linkedin.com/posts/def-con_a-big-christopher-hadnagy-vs-def-con-lawsuit-activity-7299835497512587264-Bduh
https://www.reddit.com/r/Defcon/comments/1ivo7x0/hadnagy_vs_defcon_et_al_motion_for_summary/
https://www.theregister.com/2025/02/25/def_con_harassment_allegations/
<https://www.instagram.com/wearedefcon/p/DGdqbBkRWmI/>

1  DEF CON ✅
2 @defcon

3 Chris Hadnagy vs. DEF CON Lawsuit update
4 2025/02/24

5 It's been a while since our last update - a lot has been going on behind
6 the scenes - and with the discovery phase complete we have filed a
7 motion for summary judgement asking the court to dismiss his lawsuit.
8 In it we reveal some of the identities of those who testified regarding
9 their experiences with Chris, and I would like to personally thank them
10 for standing up for our community when remaining silent would have
11 been easier.

12 The legal standard for evaluating a summary judgement motion means
13 giving the benefit of the doubt to the nonmoving party (Hadnagy) on all
14 disputed facts. Because of this we focused on the undisputed facts,
15 including the documents and deposition testimony, that Chris can't
16 deny.

17 Should this motion fail then we would start preparing for trial, and end
18 up arguing over the disputed facts as well. Both sides will be done with
19 briefing in approximately one month. After briefing is complete we
20 expect the judge to rule on the motion within a couple weeks to a couple
21 months.

22 Thank you everyone for continuing to support DEF CON, and a special
23 thank you to all those who came forward in the ongoing lawsuit.

24 Jeff Moss, President, DEF CON Communications.

#defcon #defconlegal @humanhacker

Motion for Summary Judgement
storage.courtlistener.com/recap/gov.usco...

Full records here:
courtlistener.com/docket/6809418...

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17 On February 26, 2025, third parties who reviewed the pleading online informed Plaintiffs
18 that their clients' names, as well as their financial and medical information, were publicly
19 accessible. *See* Conrad Decl. Plaintiffs' counsel then immediately contacted Defendants'
20 counsel, raising serious concerns about the violation. In response, Defendants' counsel issued a
21 perfunctory "apology," sealed the exhibit, and refiled a redacted version. *Id.* However, the
22 damage was already done. The confidential information remains publicly accessible online, and
23 Def Con's social media posts linking to the information have not been removed. *Id.* Moreover,

1 Defendants' supposed "senior staff members" have actively engaged in comments, reposting and
 2 encouraging further dissemination.

3 Defendants' actions were not inadvertent; they were strategic and malicious. Def Con's
 4 community is composed primarily of hackers, many of whom view Plaintiff Hadnagy as an
 5 adversary due to his prior lawsuits and professional work. By deliberately exposing Plaintiff
 6 Hadnagy's personal medical and financial records, Defendants knowingly made him a target for
 7 harassment, doxxing, and potential cyber threats. Their reckless disregard for Plaintiff's privacy
 8 and security cannot be overstated. *See* Hadnagy Decl.

9 **III. ARGUMENT AND AUTHORITY**

10 Courts have inherent authority to enforce their orders through civil contempt. *Shillitani v.*
 11 *United States*, 384 U.S. 364, 370, 86 S. Ct. 1531 (1966); Fed. R. Civ. P. 37(b). Civil contempt
 12 occurs when a party disobeys a specific and definite court order by failing to take all reasonable
 13 steps within its power to comply. *Harmon v. City of Santa Clara*, 323 F.R.D. 617, 626 (N.D. Cal.
 14 2018). Importantly, contempt need not be willful, and good faith is not a defense to
 15 noncompliance. *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th
 16 Cir. 1993).

17 The standard for civil contempt is well established:

18 The moving party has the burden of showing by clear and convincing evidence that the
 19 contemnors violated a specific and definite order of the court. The burden then shifts to
 the contemnors to demonstrate why they were unable to comply.

20 *F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999).

21 The decision in *Harmon v. City of Santa Clara* is particularly instructive. There, the court
 22 awarded \$69,756.31 in attorney's fees and costs for a protective order violation. *Harmon*, 323
 23 F.R.D. at 627-28. Even though the court ultimately found that the body camera footage in
 24

1 question did not warrant a confidentiality designation, it nonetheless imposed sanctions because
 2 the disclosure occurred while the material was still designated as confidential. *Id.* at 622-26. The
 3 court criticized Plaintiff's counsel for being "woefully inadequate to the point of negligence" in
 4 checking the confidentiality status of the video before dissemination. *Id.* at 626. Additionally, the
 5 court noted that counsel made only minimal efforts to remove the material from the internet after
 6 learning of the violation. *Id.* at 621, 627.

7 Similarly, Rule 37(b) authorizes courts to issue "further just orders" as sanctions when a
 8 party violates an order, such as a Protective Order. This includes ordering reasonable expenses,
 9 including attorney's fees, caused by the failure to obey the court order. *Falstaff Brewing Corp. v.*
 10 *Miller Brewing Co.*, 702 F.2d 770, 784 (9th Cir. 1983). Rule 37(b) sanctions may serve both
 11 remedial and compensatory purposes as well as punitive and deterrent objectives. An appropriate
 12 sanction must therefore be imposed, "not merely to penalize those whose conduct may be
 13 deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in
 14 the absence of such a deterrent." *Id.* at 776 .

15 Ultimately, "[t]he imposition and selection of particular sanctions are matters left to the
 16 sound discretion of the trial court." *Id.* at 783-84; *SIMO Holdings Inc. v. H.K. uCloudlink*
 17 *Network Tech. Ltd.*, No. 18-cv-5427 (JSR), 2020 U.S. Dist. LEXIS 230317, at *7 (S.D.N.Y. Dec.
 18 7, 2020) ("Given SIMO's clear violation of the Protective Order, the Court will therefore impose
 19 a sanction of \$40,000 (i.e., \$10,000 for each of the four documents wrongly disclosed").

20 Here, Defendants cannot credibly argue that their actions complied with the Court's
 21 Protective Order. The confidential information they disseminated was explicitly marked
 22 "CONFIDENTIAL." There was no legitimate need to file this information, as it had no bearing
 23 on any substantive issues in their Motion for Summary Judgment. More egregiously, after
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1 improperly filing this information, Defendants deliberately engaged in an extensive online
 2 campaign to amplify the disclosure.

3 Defendants' misconduct did not stop at the initial filing. They failed to self-report their
 4 violation and have not taken all corrective action even after being alerted by Plaintiffs' counsel
 5 to the social media posts. Defendants have continued to maintain public access to the
 6 confidential information by keeping their social media posts with direct links to the material
 7 available. Additionally, Defendants' supposed senior staff members have actively reposted and
 8 encouraged further dissemination, exacerbating the harm.

9 Additionally, Defendants were well aware that Social-Engineer operates in the
 10 cybersecurity industry and handles highly sensitive client information. Publicly exposing Social-
 11 Engineer's confidential information places both the company and its clients at risk. *See Hadnagy*
 12 Decl. The disclosure of Plaintiff Hadnagy's medical information was a deliberate and
 13 unwarranted attempt to embarrass him, serving no legitimate legal purpose. *Id.* Even more
 14 troubling, Defendants knew that the Def Con community and following is composed primarily of
 15 hackers—many of whom perceive Plaintiff Hadnagy as an adversary due to his lawsuit against
 16 Def Con and his professional activities. By disseminating his private medical and financial
 17 records, Defendants knowingly made Plaintiff Hadnagy a direct target for harassment,
 18 cyberattacks, and doxxing. Their actions were calculated and malicious, not accidental
 19 oversights.

20 IV. CONCLUSION

21 Defendants' blatant violation of the Court's Protective Order and their intentional efforts
 22 to spread confidential information warrant substantial sanctions. The Court should impose
 23 significant monetary penalties, award attorney's fees and costs, and order immediate removal of
 24

1 all online postings to prevent further harm. Strong judicial action is necessary to uphold the
2 integrity of the Court's orders and deter future misconduct.

3
4 As required by the Local Civil Rule, I certify that Plaintiffs' Motion for Civil Contempt and
5 Sanctions contains 1,858 words, excluding the parts that are exempt by Local Civil Rule
7(e)(6).

6 DATED this 3rd day of March 2025.
7

8 FREY BUCK
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10 By: 
11 Ted Buck, WSBA #22029
12 Mark Conrad, WSBA #48135
13 *Attorneys for Plaintiffs*
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CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **PLAINTIFFS' MOTION FOR CIVIL CONTEMPT AND SANCTIONS** on the following individuals:

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DATED this 3rd day of March 2025, at Seattle, Washington.

Amber S Holmes
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